

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1760.01
COMPLAINT INVESTIGATOR:	Steve Starbuck
DATE OF COMPLAINT:	May 25, 2001
DATE OF REPORT:	June 21, 2001
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	September 10, 2001

COMPLAINT ISSUES:

Whether the Kokomo-Center Township Consolidated School Corporation and the Kokomo Area Special Education Cooperative violated:

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically, failing to provide transportation.

511 IAC 7-23-1(d) and (f) with regard to the school's alleged failure to permit the parent to inspect and review the student's educational record.

511 IAC 7-18-2(a) with regard to the school's alleged failure to provide a free appropriate public education to a student who is at least three years of age and identified as disabled under 511 IAC Article 7.

511 IAC 7-25-7 with regard to the school's alleged failure to conduct an audiological evaluation within sixty instructional days of the parent's written request for the evaluation.

FINDINGS OF FACT:

1. The student is four years old, attends preschool, and has been determined eligible for special education under the disability categories of other health impairment and communication disorder. The student has been eligible for special education due to a communication disorder since June 7, 1999. It was not until June 5, 2001, that a CCC also determined the student was eligible for special education under the category of other health impairment.
2. The parent asserts the school failed to implement the student's IEP by not providing transportation for the student to attend speech therapy. Page five of the CCC Report dated August 22, 2000, indicates the student does not require special transportation as a related service. Pages 1 and 2 of the IEP dated August 22nd, reflect that the student does not require any related services to implement the student's annual goals. The parent signed the CCC Report/IEP on August 22nd, indicating her agreement with the recommendations made by the CCC and giving consent for the IEP to be implemented. The director reports that at a CCC meeting convened on April 10, 2001, the parent indicated that in the future she might need assistance with transporting the student to speech therapy sessions due to the fact that her husband was changing jobs. Page eight of the CCC Report dated April 10, 2001, reflects that the CCC discussed the issue of transportation and determined who the parent should contact in the future should assistance with transportation be needed. Page 5 of the CCC Report dated April 10, 2001, indicates the CCC determined the

student did not require special transportation as a related service. The CCC documents for the April 10th CCC meeting were not signed by the parent as parental consent was not required. At a CCC meeting convened on June 5, 2001, it was determined that the student requires specialized transportation to and from school, which will be provided by the school daily. The parent signed the CCC Report/IEP on June 5, 2001, indicating her agreement with the recommendations made by the CCC and giving consent for the IEP to be implemented.

3. The parent states she called the special education planning district's office the first of April 2001 and requested to review the student's educational record. According to the parent, the coordinator's secretary informed her that because the student was only receiving speech therapy services, the parent should contact the speech therapist regarding this request. The parent asserts the speech therapist would not allow her to review the student's entire educational record, but only provided her with copies of a few documents from the student's record. The parent was unable to produce any evidence to document that she had requested to review and inspect the student's educational record. The director reports the school never received a request from the parent to inspect and review the student's educational record. A telephone log entry dated February 16, 2001, reflects that the parent requested copies of all documents in the student's educational record on this date. A contact notation listed in the speech therapist's log dated February 21, 2001, reflects that the parent requested a copy of all of the student's records, because the parent was going to have the student tested by other agencies. The director and coordinator report the speech therapist informed them that in February 2001 she made copies of the student's entire educational record and gave them to the parent. The parent states she does not recall making a request for copies of the student's educational record in February 2001. The speech therapist states a copy of the student's entire educational record was provided to the parent in February 2001, and that she does not recall the parent ever making a request to review and inspect the student's educational record. There is no indication in the speech therapist's log that the parent ever requested to review and inspect the student's educational record during the 2000-2001 school year.
4. The parent asserts the school has not provided the student with a free appropriate public education because the student was not provided with preschool at the school's expense from June 1999 to the present. The CCC Reports dated June 7, 1999, May 24 and August 22, 2000, and April 10, 2001, reflect that each time the CCC met, the full continuum of placement options was considered for the preschool student. In addition, the CCC determined the least restrictive environment to provide the special education services to the student at each CCC meeting convened. Each time the CCC met, it was determined that the student only required speech therapy two times per week to meet her educational needs. The parent signed the CCC Report/IEPs on June 7, 1999, and on May 24 and August 22, 2000, indicating her agreement with the recommendations made by the CCC and giving consent for the IEP to be implemented. The decisions made at the CCC meeting convened on April 10, 2001, did not require parental consent.
5. The parent sent two letters to the director requesting that the school conduct an audiological evaluation for the student. The letters are date stamped as received by the planning district on February 14 and 15, 2001. The parent's letter dated February 9, 2001, requests that a written referral to the School for the Deaf be provided, so that an audiological evaluation could be completed for the student. The coordinator reports she attempted to contact the parent by telephone on several occasions to clarify issues regarding the parent's request for testing and for a referral to the School for the Deaf without success. On March 2, 2001, the coordinator sent a letter to the parent asking for the parent to contact her to clarify these issues. The coordinator explained in her letter that the audiological evaluation could be completed locally without the need of traveling to the School for the Deaf. After receiving the letter, the parent states she spoke with the coordinator, but was unable to convince the coordinator that the student needed an audiological evaluation. On March 12, 2001, the parent met with the special education preschool resource teacher and signed consents for the completion of a multidisciplinary educational evaluation. The

parent states she was informed that the multidisciplinary educational evaluation needed to be conducted to determine if the student needed an audiological evaluation. The parent contends that she did not want a multidisciplinary evaluation in lieu of an audiological evaluation, but thought she could eventually obtain the audiological evaluation if she complied with having the multidisciplinary evaluation completed. The parent states she never told school personnel that she was withdrawing her written consent for the audiological evaluation that was received by the planning district in February. The CCC Report dated April 10, 2001, indicates that a misunderstanding had occurred between school personnel and the parent regarding the parent's request for an audiological evaluation. The multidisciplinary educational evaluation was completed on May 15, 2001; however, the coordinator acknowledges that an audiological evaluation was never completed.

CONCLUSIONS:

1. Finding of Fact #2 reflects that at CCC meetings convened on August 22, 2000, and April 10, 2001, the issue of transportation was discussed, and that it was determined that transportation was not required for the student as a related service. Therefore, no violation of 511 IAC 7-27-7(a) is found.
2. Finding of Fact #3 indicates that the parent asked for and received copies of the student's educational record in February 2001. There is no documentation of the parent's April 2001 request to inspect and review the student's educational record. Therefore, no violations of 511 IAC 7-23-1(d) and (f) are found.
3. Finding of Fact #4 reflects that the CCCs considered the full continuum of placement options and determined the least restrictive environment for the student at each CCC meeting convened. Therefore, no violation of 511 IAC 7-18-2(a) is found.
4. Finding of Fact #5 indicates that the school failed to complete the audiological evaluation and convene the CCC meeting within 60 instructional days from the date written parental consent was provided. Therefore, a violation of 511 IAC 7-25-7 is found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

The Kokomo-Center Township Consolidated School Corporation and the Kokomo Area Special Education Cooperative shall:

1. Send a memorandum to all appropriate personnel advising them of the requirements specified in 511 IAC 7-25-7. Submit a copy of the memorandum to the Division no later than July 27, 2001, with a listing of all personnel (name and title) to whom the memorandum was sent.
2. Conduct an audiological evaluation for the student and convene a CCC meeting to discuss the results of the evaluation no later than July 25, 2001. Submit a copy of the CCC Report and any revised IEP to the Division no later than August 1, 2001.

DATE REPORT COMPLETED: June 21, 2001